

The ISEA's collective bargaining lawsuit

The ISEA filed a lawsuit in the Iowa District Court in Polk County against the State of Iowa and the Public Employee Relations Board (PERB) challenging three main provisions in HF 291, Iowa's new collective bargaining law.

- 1) the lawsuit challenges the law's separation of public sector employees. Under the new law, the legislature named certain groups of public sector employees as "public safety employees" and gave them more rights than other public sector employees thereby violating Article I, Section 6 of the Iowa Constitution.

The Iowa Constitution is clear. Article I of the Iowa Constitution is labeled "Bill of Rights" and has 25 sections describing the rights of the citizens of Iowa in great detail. Section 6 of the constitution says: *"All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens."* This section is commonly referred to as the Uniformity Clause.

HF 291 gives the new determined public safety employees the right to bargain over a wide range of workplace issues and arbitration remedies that were taken away from other public sector employees. Currently, a firefighter is able to bargain physical safety inside his or her firehouse. A Dispatcher in some locals is able to bargain his or her health insurance including family coverage. This new divisive law makes it appear that the firefighter's firehouse is more important than our school house and the dispatcher's family is more important than ours.

We do not begrudge our brothers and sisters in other unions for their bargaining rights. To the contrary, we wish for them to keep what they have and what we used to have. We are grateful they fought alongside us against this legislation. We simply wish to be equal and have all of our rights restored.

The law also created inequities among local associations in the ISEA. Although locals began bargaining in good faith, the new law capriciously assigned a cut-off date whereby if a contract had not been signed; negotiations were terminated and would need to be started over.



- 2) Second, the new law prohibits public employers from allowing their employees to pay membership dues to their employee organization via payroll deduction while leaving public employers free to allow payroll deduction of dues to professional trade organizations, volunteer groups or any other kind of organization or program at all.

This means that school districts cannot authorize payroll deduction for the union, but they are free to authorize for other groups or organizations. Again, this uneven distribution of payroll deduction unfairly targets the union rather than equally establishing criteria for all programs and organizations to follow. In addition, it takes local control from the school district by disallowing their choice in which they can choose for payroll deduction.

- 3) Finally, the new law establishes an irrational voter universe for recertification elections based on the total population of members of a bargaining unit in a school district. If a person is unable to vote, does not wish to vote, or is not available to vote this law automatically counts the absence of their vote as "NO". No election in the United States is based on this formula and if it were, no candidate would ever be elected to office. Vote count based on population as opposed to those who actually turn out to vote is not democratic nor should it have a place in elections in the United States.

The ISEA lawsuit seeks to strike down all three of these unfair and irrational provisions as violations of the Iowa Constitution. Our state constitution guarantees Iowans the right to fair and equal treatment under the law and HF 291 violates that basic promise.

We look forward to a swift resolution of our claims reinstating the constitutional rights of our members, affiliates and ISEA.